

EXHIBIT I

In the Matter Of:

Henry vs

Brown University

JOHN MCLAUGHLIN

July 12, 2023



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<p>1 IN THE UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 - - - 5 HENRY, et al, : 6 : 7 Plaintiffs, : CASE NO. 8 : 1:22-CV-00125 9 v. : 10 : 11 BROWN UNIVERSITY, et : 12 al, : 13 : 14 Defendants. : 15 16 - CONFIDENTIAL - 17 ATTORNEYS' EYES ONLY 18 - - - 19 July 12, 2023 20 - - - 21 22 Final transcript without Confidentiality Designations 23 24 25 26 Videotaped deposition of 27 JOHN McLAUGHLIN, Ed.D., taken pursuant to 28 notice, was held at the Doubletree Hilton 29 Utica, 102 Lafayette Street, Utica, New 30 York, beginning at 9:03 a.m., on the 31 above date, before Michelle L. Gray, a 32 Registered Professional Reporter, 33 Certified Court Reporter, Certified 34 Realtime Reporter, and Notary Public. 35 36 - - - 37 38 39 40</p>	<p>1 APPEARANCES: (Cont'd.) 2 3 WILLIAMS & CONNOLLY LLP 4 BY: WILLIAM DONNELLY, ESQ. (Zoom) 5 680 Maine Avenue SW 6 Washington, D.C. 20024 7 202.434.5000 8 wdonnelly@wc.com 9 Representing the Defendant, 10 University of Notre Dame Du Lac 11 12 SIDLEY AUSTIN LLP 13 BY: JANE E. FISHER, ESQ. 14 (Zoom) 15 One South Dearborn 16 Chicago, Illinois 60603 17 312.853.7000 18 Jane.fisher@sidley.com 19 Representing the Defendant, 20 Northwestern University 21 22 HOGAN LOVELLS US LLP 23 BY: JAMIE LEE, ESQ. (Zoom) 24 Columbia Square 25 555 Thirteenth Street, NW 26 Washington, D.C. 20004 27 202.637.5600 28 jamie.lee@hoganlovells.com 29 Representing the Defendant, Yale 30 University 31 32 JONES DAY 33 BY: CHRISTOPHER N. THATCH, ESQ. 34 (Zoom) 35 110 North Wacker Drive, Suite 4800 36 Chicago, Illinois 60606 37 312.782.3939 38 cthatch@jonesday.com 39 Representing the Defendant, Emory 40 University 41 42 43 44</p>
Page 2	Page 4
<p>1 APPEARANCES: 2 3 GILBERT LITIGATORS 4 & COUNSELORS, P.C. 5 BY: ROBERT S. RAYMAR, ESQ. 6 BY: SARAH SCHUSTER, ESQ. 7 (In person) 8 DAVID COPELAND, ESQ. 9 (Zoom) 10 11 Broadway, Suite 615 11 New York, New York 10004 12 646.448.5269 13 Rraymar@gilbertlitigators.com 14 Sschuster@gilbertlitigators.com 15 Representing the Plaintiffs 16 17 WILMER HALE, LLP 18 BY: DAVID GRINGER, ESQ. 19 (In person) 20 7 World Trade Center 21 250 Greenwich Street 22 New York, New York 10007 23 212.230.8800 24 David.gringer@wilmerhale.com 25 26 - and - 27 28 WILMER HALE, LLP 29 BY: ARIELLE K. HERZBERG, ESQ. 30 (In person) 31 1225 Seventeenth St. 32 Suite 2600 33 Denver, Colorado 80202 USA 34 720.274.3158 35 Arielle.herzberg@wilmerhale.com 36 Representing the Defendant, The 37 Trustees of the University of 38 Pennsylvania, University of 39 Pennsylvania 40 41 42 43 44</p>	<p>1 ZOOM APPEARANCES: (Cont'd.) 2 3 ROPES & GRAY LLP 4 BY: TYLER PALADINO, ESQ. (Zoom) 5 ELIZABETH MCINERNEY (TOLON), ESQ. 6 (Zoom) 7 191 North Wacker Drive, 32nd Floor 8 Chicago, Illinois 60606 9 312.845.1200 10 tyler.paladino@ropesgray.com 11 Elizabeth.mcinerney@ropesgray.com 12 Representing the Defendant, The 13 Johns Hopkins University 14 15 WHITE & CASE, LLP 16 BY: LAUREN GORAB, ESQ. 17 (Zoom) 18 1221 Avenue of the Americas 19 New York, New York 10020 20 212.819.8200 21 Lauren.gorab@whitecase.com 22 Representing the Defendant, 23 Vanderbilt University 24 25 MORGAN, LEWIS & BOCKIUS LLP 26 BY: BY: NOAH J. KAUFMAN, ESQ. 27 (Zoom) 28 One Federal Street 29 Boston, Massachusetts 02110 30 617.341.7700 31 noah.kaufman@morganlewis.com 32 Representing the Defendant, Brown 33 University 34 35 COOLEY, LLP 36 BY: ANGELA JACOB, ESQ. (Zoom) 37 55 Hudson Yards 38 New York, New York 10001 39 212.479.6000 40 ajacob@cooley.com 41 Representing the Defendant, 42 California Institute of Technology 43 (Caltech) 44</p>

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1 (Whereupon, a discussion was
2 held off the record.)
3 BY MR. RAYMAR:
4 Q. To your knowledge, during
5 your tenure at Penn, did anyone at Penn
6 evaluate a potential applicant, or
7 applicant's family's financial
8 circumstances for potential donations?
9 **A. No. No. We -- in interest**
10 **in trying to bring in students from lower**
11 **income backgrounds, we would be attentive**
12 **to things that we might see in the**
13 **application like they are a**
14 **First-Generation student. The parents**
15 **didn't go to college. Or that they**
16 **applied using a fee waiver, because they**
17 **are on public housing or public**
18 **assistance.**
19 **And in our interest to try**
20 **and bring in more students from lower**
21 **income backgrounds, that contextual**
22 **information is helpful to us.**
23 **But for those students and**
24 **for all students, we didn't have any**

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1 **specific information about financial**
2 **circumstances. The financial aid**
3 **application and everything that's**
4 **associated with that was completely**
5 **separate from what we would see in the**
6 **admission application.**
7 Q. All right. Let me go back
8 and ask the same question in a slightly
9 different way.
10 At Penn, during your tenure,
11 did -- to your knowledge, did anyone
12 evaluate applicants, or potential
13 applicants, for the purpose of
14 determining whether the applicant's
15 family was a good candidate for making
16 donations to Penn --
17 MR. GRINGER: Object to
18 form.
19 BY MR. RAYMAR:
20 Q. -- quite aside from paying
21 for the cost of their child or grandchild
22 attending Penn?
23 MR. GRINGER: Object to
24 form. Compound.

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1 **THE WITNESS: I don't know.**
2 BY MR. RAYMAR:
3 Q. Are you familiar with the
4 term "need-blind" from your tenure at
5 Penn?
6 **A. Can you tell me in what --**
7 **what definition are you using for the**
8 **term?**
9 Q. Well, I was going to ask you
10 what definition Penn was using for the
11 term.
12 So let's start off with, at
13 Penn, did you hear the term "need-blind"?
14 **A. We did. And the way we**
15 **would interpret it, the way I would**
16 **interpret it, is that a student's**
17 **financial circumstances would not be -- a**
18 **student's financial circumstances would**
19 **not be -- have an adverse impact on their**
20 **application.**
21 **So a student with**
22 **significant financial need, a low income**
23 **student, a First-Generation student, that**
24 **this is not something that we would --**

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1 **that would negatively impact their**
2 **application review.**
3 Q. And using that definition of
4 need-blind, during your tenure was Penn
5 need-blind with respect to applications
6 to the four schools you listed?
7 MR. GRINGER: Object to
8 form.
9 **THE WITNESS: Yes. We were**
10 **need-blind for U.S. citizen and**
11 **permanent residents, Canadian**
12 **citizen and permanent residents,**
13 **Mexican citizen and permanent**
14 **residents.**
15 **We were need-aware for those**
16 **four schools for international**
17 **citizens of other nations.**
18 **So for students from -- that**
19 **fall into that category, going**
20 **back to the earlier definition of**
21 **foreign financial aid, those**
22 **students would be considered under**
23 **a need-aware framework, which**
24 **means that it was -- it was more**

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1 Q. I'm sorry, did I cut you
2 off?
3 **A. No.**
4 MR. GRINGER: Go ahead.
5 BY MR. RAYMAR:
6 Q. Every year your target was
7 to have 2400 undergraduate admits, right?
8 **A. In recent years, yes. Our**
9 **goal was to have 2400 -- not admits,**
10 **2400 enrolled students.**
11 Q. I'm sorry, you're right. I
12 stand corrected. Sorry.
13 So about how many students
14 would be put on the waitlist each year?
15 MR. GRINGER: Objection.
16 Asked and answered.
17 **THE WITNESS: It varies from**
18 **year to year. And I can't**
19 **remember a specific year or a**
20 **specific number.**
21 **In recent years, we might**
22 **put somewhere between 2 and 3,000**
23 **people on the waitlist.**
24 BY MR. RAYMAR:

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1 Q. And about how many transfer
2 students did Penn take every year?
3 MR. GRINGER: Objection.
4 Overbroad.
5 **THE WITNESS: Again, it**
6 **would vary for the same -- for the**
7 **same reasons.**
8 **Every year is different.**
9 **Application pool is different.**
10 **The number of students we admit.**
11 **Yield is different.**
12 **Most years we might admit**
13 **somewhere between 150 and**
14 **200 transfer students.**
15 BY MR. RAYMAR:
16 Q. Do you know the name Sara
17 Harberson?
18 **A. I do know that name. I do.**
19 Q. And who do you know that
20 person to be?
21 MR. GRINGER: Objection.
22 Vague.
23 **THE WITNESS: She -- I have**
24 **a couple of relationships with**

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1 **her. She was my admission officer**
2 **at Penn.**
3 BY MR. RAYMAR:
4 Q. When you got admitted to
5 Penn?
6 **A. Yes. She reviewed my**
7 **application. And she was one of my first**
8 **supervisors when I was starting at Penn**
9 **and Penn admissions. She subsequently**
10 **left and went to, I think, Franklin &**
11 **Marshall College, and more recently has**
12 **been operating as a college consultant,**
13 **you know, has a consulting business.**
14 Q. So I'm going to read you a
15 quotation from her and ask your reaction
16 to it.
17 "When I worked as the
18 associate dean of admissions at the
19 University of Pennsylvania, a need-blind
20 institution, the office was not
21 forthright about the fact that needing
22 financial aid kept a student from being
23 considered or admitted from the
24 waitlist."

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1 Is that accurate to your
2 knowledge?
3 **A. No. It doesn't reflect my**
4 **experience in working at Penn and seeing**
5 **how we work through the waitlist.**
6 **You know, Sara, in her -- in**
7 **her present role, she makes money by**
8 **sensationalizing admissions, and, you**
9 **know, I don't think that's a fair**
10 **representation of the work that I've done**
11 **during my time at Penn.**
12 Q. In your time at Penn, has
13 the president's office, to your
14 knowledge, ever asked the admissions
15 office to move a waitlisted applicant to
16 admit?
17 **A. Never. I've never heard or**
18 **seen that.**
19 Q. And to your knowledge,
20 during your tenure at Penn, has the
21 development office ever asked that an
22 applicant be moved from the waitlist to
23 admit status?
24 **A. I've never heard or seen**

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1 **that.**
2 MR. RAYMAR: Give me Tab 52.
3 (Document marked for
4 identification as McLaughlin
5 Exhibit 23.)
6 BY MR. RAYMAR:
7 Q. It may make sense to take a
8 look at this from the bottom to the top.
9 But you're entitled to look at it in
10 whatever order you'd like to.
11 And my question is going to
12 be, do you know anything about this set
13 of e-mails?
14 **A. No. It's not familiar to**
15 **me.**
16 Q. And were the circumstances,
17 or the incident, or the vignette, or the
18 anecdote, or whatever you want to call
19 it, familiar to you from hearing about it
20 in the admissions office at Penn?
21 MR. GRINGER: Objection.
22 Too many objections to list to
23 that one.
24 **THE WITNESS: I've never**

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1 **seen this before.**
2 BY MR. RAYMAR:
3 Q. Or heard of an exchange that
4 bears some resemblance to this?
5 MR. GRINGER: Object to
6 form.
7 **THE WITNESS: No.**
8 MR. RAYMAR: Do we have a
9 copy of this? Tab 68.
10 162147. Sheet 1.
11 (Document marked for
12 identification as McLaughlin
13 Exhibit 24.)
14 MR. RAYMAR: Do we have to
15 wait for something mechanically to
16 happen now?
17 Why don't we go off the
18 record for five minutes.
19 THE VIDEOGRAPHER: The time
20 is now 2:12. We're going off the
21 record.
22 (Short break.)
23 THE VIDEOGRAPHER: The time
24 is now 2:28 p.m. We're now back

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1 on the record.
2 BY MR. RAYMAR:
3 Q. And I show the witness
4 McLaughlin 24, and ask if you recognize
5 this document, which is Sheet 1 of a
6 multi-sheet document.
7 MR. GRINGER: You know, I'm
8 just going to object for the
9 record. This -- since it seems to
10 start at Column S, that there's a
11 lot of this document cut off. I'm
12 not even talking about there's
13 lots of rows cut off. There
14 appears to be lots of columns cut
15 off.
16 MR. RAYMAR: That appears to
17 be correct. Because it was too
18 wide to do anything with. But the
19 record reflects it.
20 MR. GRINGER: Yep. Exactly.
21 **THE WITNESS: I don't**
22 **recognize this document.**
23 BY MR. RAYMAR:
24 Q. And when you click, I

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1 believe it's on the letters, at the top
2 of the columns --
3 MS. SCHUSTER: In between
4 the two columns, if you
5 double-click.
6 BY MR. RAYMAR:
7 Q. I'll represent to you that
8 it expands, and the yellow boxes either
9 appear or don't appear --
10 MR. GRINGER: This is a
11 black and white copy.
12 How can you tell it's
13 yellow?
14 **THE WITNESS: Oh.**
15 MR. RAYMAR: Do you have --
16 do you have it expanded or not?
17 MR. GRINGER: I just have
18 what you gave me.
19 MR. RAYMAR: Yes. These
20 expand.
21 MR. GRINGER: Okay.
22 **THE WITNESS: Okay.**
23 MR. RAYMAR: On my copy,
24 they are yellow. I don't know how

1 last entry of FERPA/PII REDACTION on
2 Page 66, you don't recognize any of the
3 names?

4 **A. I don't recognize any of**
5 **these names.**

6 MR. RAYMAR: I may not have
7 anything else. I ask -- I'm going
8 to go off the record with Sara
9 just to double-check.

10 THE VIDEOGRAPHER: The time
11 is now 4:39 p.m. We're now going
12 off the record.

13 (Short break.)

14 THE VIDEOGRAPHER: The time
15 is 4:54 p.m. We're on the record.

16 MR. RAYMAR: Let the record
17 reflect that plaintiffs have no
18 further questions at this time.

19 I think we have an hour and
20 20 minutes left.

21 MR. GRINGER: I don't think
22 you have that much time.

23 How much time does he have?

24 MR. RAYMAR: He said 5:40.

1 MR. GRINGER: At the last
2 break it was 5:30.

3 MR. RAYMAR: Yeah, because
4 he said he --

5 THE VIDEOGRAPHER: I had
6 estimated.

7 MR. GRINGER: All right.
8 Well, whatever.

9 MR. RAYMAR: And so I
10 reserve the hour and 20 minutes in
11 case Mr. Gringer causes me to ask
12 some follow-up cross.

13 MR. GRINGER: All right.
14 The witness is mine.

15 - - -

16 EXAMINATION

17 - - -

18 BY MR. GRINGER:

19 Q. Good afternoon,
20 Mr. McLaughlin, my name is David Gringer
21 I'm a lawyer for the University of
22 Pennsylvania in this case.

23 And thank you for your time
24 today for those who aren't with us and

1 maybe watching in the future in the
2 courtroom, it's been quite warm in here
3 today. So I appreciate your patience.
4 And I won't ask you any architectural
5 design questions, so you have that
6 commitment from me over the next few
7 minutes.

8 So, just so we can remind
9 the court and the jury, where do you work
10 today?

11 **A. I currently work at Hamilton**
12 **College.**

13 Q. Where -- where is Hamilton
14 College?

15 **A. Hamilton College is located**
16 **in Clinton, New York.**

17 Q. And do you live near
18 Hamilton College now?

19 **A. Yes. I currently rent an**
20 **apartment in Clinton.**

21 Q. And to your knowledge, is
22 Clinton, New York, more than 100 miles
23 from the city of Chicago, Illinois?

24 **A. Yes.**

1 Q. All right. And before you
2 worked at Hamilton College, you worked
3 at -- for my client, at the University of
4 Pennsylvania; is that right?

5 **A. That's correct.**

6 Q. And you also attended the
7 University of Pennsylvania, correct?

8 **A. I did.**

9 Q. About how many years, in
10 total, did you work for the University of
11 Pennsylvania?

12 **A. Over ten years.**

13 Q. And during that ten-year
14 period, your positions were all in
15 admissions; is that right?

16 **A. That's correct.**

17 Q. And at Hamilton, what is
18 your role?

19 **A. I am the associate vice**
20 **president for enrollment management and**
21 **the dean of admission.**

22 Q. And during the time that you
23 worked at the University of Pennsylvania,
24 about how many applications for

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1 undergraduate admission did you review?
2 **A. Thousands.**
3 Q. More than 2,000?
4 **A. More than 10,000.**
5 Q. More than 10,000.
6 Of the more than 10,000
7 applications you reviewed during your
8 time at the University of Pennsylvania in
9 the admissions office for more than ten
10 years, how many otherwise unqualified
11 applicants were admitted because of an
12 actual or potential donation from one of
13 their family members?
14 **A. Zero.**
15 Q. Stepping back for a minute,
16 Mr. Raymar asked you a lot of questions
17 without, I think, sort of getting some
18 basic facts in the record. And I want to
19 just take a few minutes to do that now so
20 the jury and the court can understand.
21 This is a case proceeding in
22 Chicago, so there may be people not as
23 familiar with the university and with
24 sort of its dynamic.

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1 So, first, what is the
2 University of Pennsylvania?
3 **A. The University of**
4 **Pennsylvania is a private research**
5 **university located in Philadelphia.**
6 **10,000 undergraduate students, about**
7 **10,000 graduate students.**
8 Q. And Pennsylvania, University
9 of Pennsylvania, Pennsylvania is a state,
10 right?
11 **A. Pennsylvania is a state.**
12 **The University of Pennsylvania is not a**
13 **public institution. Sometimes there's**
14 **confusion between Pennsylvania State**
15 **University, Penn State, and the**
16 **University of Pennsylvania.**
17 Q. And so for folks who know
18 Chicago, you are familiar with the state
19 school in Illinois, right, its name?
20 **A. The University of Illinois?**
21 Q. Right. And so unlike the
22 University of Illinois, Penn is not a
23 state school?
24 **A. That's correct.**

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1 Q. And so when we talk about
2 admissions generally, what does that
3 mean?
4 **A. Admission is the process of**
5 **recruiting, selecting, yielding the**
6 **incoming class for a university.**
7 Q. And for those who don't
8 know, about how many applicants in a
9 typical year would Penn receive to its
10 undergraduate schools in total?
11 **A. It varies from year to year.**
12 **In my experience between -- around --**
13 **between 50 and 60,000.**
14 Q. And does Penn admit everyone
15 who applies?
16 **A. No.**
17 Q. About how many students are
18 admitted to Penn for undergraduate
19 education each year?
20 **A. In the last year that I was**
21 **there, it was around 6 percent.**
22 Q. So that's about, if I'm
23 doing my math right, a little more than
24 2400?

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1 **A. It's more than 2400.**
2 Q. Oh right.
3 **A. 2400 is where we want to --**
4 **that's the number we want to enroll. We**
5 **need to admit more than 2400, because we**
6 **know not everyone is going to choose**
7 **Penn. So we admit, probably closer to**
8 **34, 35, in order to end up with 2400.**
9 Q. And why -- why do you have
10 to admit more -- well, let me ask you
11 this.
12 If you don't get into Penn,
13 does that mean you're not qualified to
14 attend Penn?
15 **A. No.**
16 Q. Why not?
17 **A. 60,000 applications.**
18 **There's many qualified applicants that we**
19 **can only accommodate 2400 people on**
20 **campus. We have to make tough choices.**
21 Q. Is there just, you know, and
22 for those who may not be familiar with
23 these applications and applying to
24 universities, is there a certain test